


In the instant case, plaintiff seeks punitive damages from defendants pursuant to § 202 of the ADA and § 504 of the RA. (Doc. #194, at 2). The United States Supreme Court has held that “punitive damages may not be awarded . . . under § 202

of the ADA and § 504 of the Rehabilitation Act." Barnes v. Gorman, 536 U.S. 181, 189 (2002). Thus, there is no basis on which plaintiff may recover punitive damages under the ADA or the RA. As such, the Court concludes that plaintiff's prayer for punitive damages in Counts II and III of his second amended complaint will be stricken.

Accordingly,

IT IS HEREBY ORDERED that the motion of defendant City of St. Louis to strike plaintiff's prayer for punitive damages [Doc. #189] is **granted**.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 20th day of July, 2009.